

October 5, 2021

## ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 5, 2021

STATE OF NEBRASKA            )  
  )  
COUNTY OF BOX BUTTE        ) §  
  )  
CITY OF ALLIANCE             )

The Alliance City Council met in a Regular Meeting, October 5, 2021, at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on September 29, 2021. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Dafney opened the October 5, 2021 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones and McGhehey. Also present were City Manager Sorenson, Finance Director Waggener, City Attorney Hoelsing and City Clerk Johnson.

- Mayor Dafney read the Open Meetings Act Announcement
- Mayor Dafney announced that Councilman Bentley would not be in attendance.
- Council was first introduced to new city employees Shawna Standage, Meter Reader and Melissa Van Galder, RSVP Clerk.
- The Consent Calendar was next on the agenda. A motion was made by Councilman Mischnick and seconded by Councilman Jones to approve the Consent Calendar as follows:

### CONSENT CALENDAR – October 5, 2021

1. Approval: Minutes of the Regular Meeting, September 21, 2021 and Special Meeting, September 29, 2021.
2. Approval: Claims against the following funds: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf

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Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement;  
\$90,070.86

3. Approval: Resolution No. 21-107 authorizing the annual Contribution Agreement for the Alliance Chamber of Commerce in the amount of \$11,000.
4. Approval: Resolution No. 21-108 authorizing the annual Contribution Agreement for Box Butte Development Corporation in the amount of \$75,700.
5. Approval: Resolution No. 21-109 authorizing the annual Contribution Agreement for Keep Alliance Beautiful in the amount of \$50,000.
6. Approval: Resolution No. 21-110 authorizing the annual Contribution Agreement for Heartland Expressway in the amount \$3,000.
7. Approval: Resolution No. 21-111 approving the Amended Economic Development Assistance Agreement with Alliance Eating Ventures, LLC.

NOTE: Manager Sorensen and Finance Director Waggener have reviewed these expenditures and to the best of their knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the first reading of Ordinance No. 2927 which will amend the Alliance Municipal Code within Chapter 26, Article V to provide for a more efficient and straight-forward parking code. The following information was provided:

[Following recent discussions, City staff and Council made an in-depth examination of the City's parking ordinances. Based on that examination, City staff and Council are recommending ordinance changes included in the proposed ordinance.

The proposed ordinance uniformly addresses a number of issues previously presented by the City Code, portions of which had a piece-meal nature based on multiple unrelated, previous changes:

- (1) The parking enforcement mechanism is more straight-forward, as the City Police Department can move directly to citation and/or impoundment of

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illegal parking, rather than an administrative fine that was previously located in City Code;

(2) Areas of both prohibited parking and limited parking are now better clarified and more easily located in the same section of the City Code. The “vision triangle” for intersections is better clarified and protected, as is the prohibition against parking in front of or near alleys, private drives, and fire hydrants;

(3) Enforceable references to illegal parking in the case of snow emergencies and other related section of City Code in now located in the parking ordinances;

(4) Handicap parking limitations are now simplified and clarified;

(5) New additions now address the direction of parking and parking spaces generally,

(6) Parking and storage of trailers and other large vehicles is simplified and clarified;

(7) The notice required to impound of an illegally parked (i.e., abandoned) vehicle is simplified and mirrors the requirements of state statute, allowing the impoundment of illegally parked, nuisance vehicles or abandoned vehicles more quickly; and

(8) Clarity is provided as to the prohibition of parking in a curb strip.

Staff recommends the adoption of the ordinance on first reading, which will replace in total Article V of Chapter 26 (the parking ordinances) and will address the other areas discussed above.]

A motion was made by Councilman McGhehey, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2927. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### **ORDINANCE NO. 2927**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE; REPEALING AND REPLACING CHAPTER 26, ARTICLE V TO ADDRESS PARKING LIMITATIONS AND PROHIBITIONS; AMENDING SECTION 20-104 TO ADDRESS NOTICE TO BE PROVIDED FOR IMPOUNDMENT OF AN ABANDONED VEHICLE; AMENDING SECTION 20-107 TO PROVIDE CONSISTENT NOTICE OF SALE OF AN ABANDONED VEHICLE; REPEALING SECTIONS 20-105 AND 20-106 AND RENUMBERING SECTION 20-107 ACCORDINGLY; AMENDING SECTION 24-42 REGARDING PARKING IN CURB STRIPS; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

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SECTION 1. The City Code, at Chapter 26, Article V. – Parking, provides for parking limitations in designated places. Several changes are desired for Article V, to provide for a more efficient and straight-forward parking code and parking enforcement. Accordingly, Article V. – Parking of Chapter 26 of the City Code is hereby repealed in its entirety, and replaced in total as follows:

**“Article V. – Parking**

**Sec. 26-125. – Enforcement.**

- (a) It shall be the duty of the City Police Chief and his or her designee to supervise and enforce the provisions of this Article.
- (b) The City may impound any vehicle found to be in violation of this Article V. In addition, or as an alternative, the City may enforce the provisions of this Article through a citation charging a violation of this Article, and the violating party shall be arrested or issued a citation in lieu of arrest, and punished according to law.
- (c) The City Manager or his or her designee is authorized to make and enforce any temporary traffic regulation in emergencies, and it shall be unlawful for any person to willfully violate any such regulation.

**Sec. 26-126. – Fines and Costs.**

- (a) Fines for violations of this Article shall be:
  - (1) \$50.00 for parking violations in any handicap parking spaces;
  - (2) \$25.00 for any other parking violations, including abandoned vehicle violations.
- (b) The City is authorized to charge to the owner of any vehicle impounded under this Article the reasonable and actual costs of towing and impoundment pursuant to Sec. 20-106 of the City Code, in addition to the fines set forth above, which fines shall be included as one-time charges payable by the owner in lieu per day storage fees of vehicles on City impound lots. No vehicle shall be released from impoundment by the City unless such costs and charges are first paid to the City.

**Sec. 26-127 – Prohibited and Limited Parking:**

- (a) No vehicle may park at any time in the following spaces or locations, which spaces or locations may be painted red as appropriate but are not required to be:
  - (1) In front of or within a space of 40 feet in front of the front entrance or entrances of any school;

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- (2) Where any other street or avenue intersects another, in the intersection of or within 25 feet from the intersection of the streets or avenues, beginning at the nearest perpendicular curb of the intersection;
- (3) On the north side of First Street between the west line of Niobrara Avenue, if extended south, and the east line of Laramie Avenue if extended south;
- (4) Within any alley or in a manner that obstructs the entrance or exit to the alley, and on a street or avenue within 5 feet of any alley entrance or exit, on either side, except when the actual operation of loading or unloading merchandise is in progress;
- (5) In a manner that obstructs entrance or exit to any private drive, and on any street or avenue within 5 feet of any private drive entrance or exit, on either side, except when the actual operation of loading or unloading is in progress;
- (6) On any street or avenue within ten feet of any fire hydrant, on either side of the fire hydrant, and within ten feet of any stop sign on the right side of any two-way street or on either side of any one-way street;
- (7) Outside of the business district as herein defined, on that portion of any right of way outside the roadway, including in any curb strip as prohibited by Chapter 20 of the City Code;
- (8) On the south side of Sixth Street between the east line of Flack Avenue and the west line of Boyd Avenue;
- (9) On the north side of Fourth Street between the east line of Flack Avenue and the west line of Boyd Avenue;
- (10) On the north side of Fourth Street between the east line of Box Butte Avenue and a point 70 feet from said east line of Box Butte Avenue;
- (11) On the east side of Boyd Avenue from Fourth Street to Sixth Street, except for those vehicles parked for residential purposes for immediately adjacent residential property;
- (12) On the east side of U.S. Highway 385 beginning at a point 301 feet south of the northwest corner of Section 4, Township 24 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, northerly along the highway right-of-way to a point where the highway intersects West Third Street in the city;

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- (13) On the north and south sides of Third Street from the west line of Howard Street Avenue westerly to the east line of Highway 385;
  - (14) On the south side of Sixteenth Street from the west line of Emerson Avenue to the east line of Buchfinck Avenue.
  - (15) On any area and at any time where parking has become prohibited pursuant to Article IV, Chapter 26 of the City Code.
  - (16) In any manner not stated herein but that otherwise violates the State of Nebraska statutory rules of the road, as codified in Chapter 60 of the Nebraska Revised Statutes, as re-codified or amended from time to time.
  - (17) Any other parking space or spaces which may hereafter be designated by the city manager where parking shall be prohibited to provide for safety and the orderly flow of traffic and after such prohibited parking is plainly marked, painted on the curb or posted.
- (b) No vehicle may park Monday through Friday of any week between the hours of 8:00 a.m., and 6:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 9:00 p.m., holidays excepted, as follows:
- (1) No vehicle shall park in the posted area in front of the U.S. Post Office building located on the northeast corner on Box Butte Avenue and Fourth Street;
  - (2) No vehicle shall park for more than two consecutive hours on the following described streets:
    - a. Box Butte Avenue from the north line of First Street to the south line of Sixth Street;
    - b. Laramie Avenue from the north line of Third Street to the north line of Fourth Street;
    - c. Third Street from the west line of Niobrara Avenue to the east line of Cheyenne Avenue;
    - d. Fourth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;
    - e. Fifth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;
    - f. Laramie Avenue north of Fourth Street for two parking spaces on the east side of the street and three parking spaces on the west side of the street.
    - g. For the west one-half block on the north side of Tenth Street between Niobrara and Sweetwater Avenues and the east side of Niobrara Avenue between 10th and 11th Streets, which time-limited spaces are plainly marked, painted on the curb or posted.

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- (c) No vehicle shall park for for a period of time longer than 15 minutes or 30 minutes, as either may be marked by signs, in a parking space in the municipal parking lot located southwest of the Library/Learning Center, Lot 1, Block 1, Library/Attendance Center Addition, which time-limited spaces are plainly marked, painted on the curb or posted.
- (d) Notwithstanding applicable portions of subsection (b)(2) above, no vehicle shall park for a period of time longer than 15 minutes in a parking space, or spaces, on Box Butte Avenue, which time-limited spaces are plainly marked, painted on the curb or posted.
- (f) Notwithstanding applicable portions of subsection (b)(2) above, no vehicle shall park between the hours of 6:00 a.m. to 6:00 p.m. on the east side of the 400 block of Niobrara Avenue from the north line of Fourth Street to a point 87 feet north of the north line of Fourth Street in the parking space or spaces which are plainly marked, painted on the curb, or posted.

**Sec. 26-128 – Handicapped Parking:**

- (a) The city manager is hereby given authority to designate parking spaces for the exclusive use of handicapped or disabled persons whose vehicles display the distinguishing license plates issued to handicapped or disabled persons or other specified identification pursuant to applicable statute or ordinance of Nebraska or another state;
- (b) Unless marked by appropriate plates, all handicap permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent so as to be clearly visible through the front windshield. Whenever the City Manager so designates a parking space, it shall be indicated by a sign. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.
- (c) The City, in the operation of any off-street parking facility, may designate stalls or spaces in such facility for the exclusive use of handicapped or disabled persons whose vehicles display the distinguishing license plates or permits. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the most recently adopted Manual on Uniform Traffic Control Devices for Streets and Highways issued by the federal highway administration.
- (d) Anyone parking in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space in any City off-street parking facility, without properly displaying the proper identification or when the handicapped or disabled person to

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whom or for whom, as the case may be, the license plate or permit is issued is not being transported, shall be guilty of a parking violation and shall be subject to the penalties and procedures set forth in this Article.

**Sec. 26-129 – Large Vehicle Parking:**

- (a) No person shall park a truck, bus, or other motor vehicle which is classified as a Class 6, Class 7, or Class 8 vehicle under 49 CFR § 565.15(b)-Table II, as recodified or amended from time to time for gross vehicle weight rating purposes, or a truck or trailer containing livestock upon any street within the “business district” as defined in this chapter. On any public street or public right-of-way in any other portion of the City, no person shall park any such truck, bus or other motor vehicle for a period of time longer than two hours.
- (b) Subsection (a) of this Section shall not apply to:
  - (1) Parking in an area bounded on the east by the east line of Cheyenne Avenue, on the north by the alley between Second and Third Streets (as that line may be extended equally between Second and Third Streets towards the west); and on the west and south by the city limits.
  - (2) Parking in an area bounded on the east by the centerline of Mississippi Avenue (as that line may be extended south), on the north by the north line of Second Street, on the west by the east line of the Niobrara Avenue, and on the south by the city limits.
  - (3) Alliance Public Transit shall have the right to park at any designated bus stop.
  - (4) Moving companies making deliveries or loading.

**Sec. 26-130 – Parking Spaces and Direction.**

- (a) Where parking spaces are marked, either diagonally, within parking lots, or by parallel spaces next to the curb, persons parking vehicles in such spaces shall do so within the spaces marked for that purpose. Failure to do so shall be a violation of this Article.
- (b) No person shall park any vehicle on a street at the curb or side of the street except when such vehicle is headed in the direction of the traffic on that side of the street. Parking any vehicle on a street at the curb shall be done in a manner nearest the curb as possible so as to prevent an obstruction on the street. No person shall park a vehicle within any in such location as to obstruct or partially obstruct any street.

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- (c) Where areas are designed for truck parking upon a lot, it shall be unlawful to park trucks elsewhere upon that lot.

**Sec. 26-131. – Trailer and Recreational Vehicle Storage.**

- (a) The parking or storing of any trailer, utility trailer, recreational vehicle, camper, travel trailer, boat, personal water craft, trailered barbecues or all other similar appurtenances intended to be attached to a vehicle on any municipal lot, street, or alley for a period in excess of 72-hours is prohibited.
- (b) Subsection (a) of this Section shall not apply to parking or leaving any roll-off or construction trailers used by contractors or property owners with the issuance of a building permit for construction on the adjacent property, so long as the permit remains valid and the location does not interfere with any other sections of this Article.

**Sec. 26-132. – Continuous Parking.**

- (a) For all parking spaces, lots, stalls, streets, and avenues not otherwise addressed by this Article, no person shall park any vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment in the same stall or location continuously for a period in excess of seven (7) days.
- (b) For all parking spaces, lots, stalls, streets, and avenues not otherwise addressed by this Article, parking of any vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment that is not operational or is without current license and registration is prohibited at all times.”

SECTION 2. The City Code, at Sections 20-104, outlines the manner of providing notice to vehicles determined to be an “abandoned vehicles” as defined by City Code. Section 20-104 currently provides a manner of notice that is inconsistent with state statute and gratuitously cumbersome to the effective management of abandoned vehicles. Accordingly, Section 20-104 is hereby amended as follows:

**“Sec. 20-104. – Impoundment.**

The city manager or designee may remove and impound any vehicle determined to be an abandoned vehicle in City limits or the City’s extra-territorial zoning jurisdiction. Following impoundment, the city manager or designee shall, as soon as practical, provide notice of impoundment by first-class mail as set forth in section 20-105 below. The owner or registered lienholder of any vehicle impounded may redeem such vehicle at any time after its removal, but prior to the city obtaining title thereof, upon presenting proof of ownership, a valid registration certificate, and payment to the city manager or designee of such sum for the expense of removal, storage, impoundment, and any preliminary sale advertising expenses for each vehicle

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redeemed. For lienholders, in lieu proof of ownership and registration, the lienholder shall provide proof of or valid lien rights and notation of such lien on the last-known title. To contest whether a vehicle was properly determined an abandoned vehicle before paying such expenses, the owner or lienholder may request a hearing with the city manager by providing a written request for hearing within 10 days before the public auction as provided in Section 20-105 below.”

SECTION 3. Section 20-107 of the City Code provides for the manner of notice and disposing impounded vehicles that are determined to be an abandoned vehicle by the city manager or designee. To clarify portions of Section 20-107 and provide notice of impoundment and rights of disposition, Section 20-107 is hereby amended as follows:

**“Sec. 20-107. – Disposition of impounded vehicles.**

For all abandoned vehicles that have been impounded:

- (a) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid in-transit stickers issued pursuant state statute affixed, and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest with the city.
- (b) Except for vehicles governed by subsection (a), the city manager or designee shall make an inquiry concerning the last-registered owner of such vehicle as follows:
  - (1) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
  - (2) Abandoned vehicle with no license plates affixed, to the department of motor vehicles.
- (c) As soon as practical after impoundment, the city manager or designee shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:
  - (1) It will be sold or will be offered at public auction after thirty days from the date such notice was mailed; or
  - (2) Title will vest with the city 30 days after the date such notice was mailed, if unsold.
- (d) If the jurisdiction described in subdivision (b)(1) or (b)(2) of this section also notifies the city manager or designee that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee at the address noted on the title.
- (e) Title to an abandoned vehicle, if unclaimed, shall vest in the city:
  - (1) Thirty days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (c)(1) of this section; or
  - (2) Subject to publication requirements below, thirty days after the date the notice is mailed if the city manager or designee will retain the vehicle; or

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- (f) After title to the abandoned vehicle vests with the city pursuant to subsection (e) of this section, the city manager or designee may retain for use, sell, or auction the abandoned vehicle. If the city has determined that the vehicle should be retained for use, the city shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the city intends to retain the abandoned vehicle for its use and that title will vest in the city 30 days after the publication.
- (g) Any sale by virtue of subsection (e) of this section shall be by public sale according to the following terms and conditions:
  - (1) Notice shall be given of the sale 30 days prior to the sale in a newspaper of general circulation in the city giving the following information:
    - a. The sale is of abandoned property in the possession of the city.
    - b. A description of the vehicle, including make, model, and other information which will accurately identify the vehicle.
    - c. The terms of the sale.
    - d. The date, time, and place of the sale.
  - (2) The vehicle shall be sold to the highest bidder. At the time of payment of the purchase price, the city manager and designee shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and a copy thereof to be filed with the city clerk. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price. The purchaser of such vehicle shall also pay, in addition to the purchase price, all expenses incurred by the city under the provisions of this article.
  - (3) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the city, shall be held by the city without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the city.”

SECTION 4. Sections 20-105 and 20-106 of the City Code are hereby repealed. Section 20-107, as amended above, is hereby renumbered as Sections 26-105.

SECTION 5. Section 24-42 of the City Code provides a prohibition of materials in the curb strip, including any obstruction. To provide clarity in the City Code regarding the parking of vehicles in the curb strip, Section 24-42 of the City Code is hereby amended as follows:

**“Sec. 24-42. – Obstruction.**

No person shall (1) allow any grass, weeds, decorative flowers, bushes, trees, (2) place any items violating Chapter 20, (3) park any vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment, or (4) allow items taller

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than 30 inches in the curb strip at any time. Any such items that are found by the city manager or designee to be located on the curb strip shall be removed by the City.”

SECTION 6. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance

SECTION 7. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones and McGhehey.

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:10 p.m.

(SEAL)

  
Mike Dafney, Mayor

  
Tarrah S. Johnson, City Clerk